

MARCEL P. DENIS

D E N I S L A W G R O U P P L L C

9602 Avenue L
Brooklyn, New York 11236
Telephone (404) 977-9733
Email: mdcounsel@gmail.com

October 12, 2020

Via ECF

Judge LaShann DeArcy Hall
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: Celestin, et al v. Martelly, et al; Case No. 1:18-cv-07340-LDH-PK
REQUEST FOR JUDICIAL NOTICE**

Dear Judge DeArcy Hall:

Plaintiffs respectfully request that the Court, pursuant to Federal Rule of Evidence 201 and Fed. Rule Civ. Proc. 44.1, take judicial notice of the attached report published on September 26, 2020 by the United Nations Integrated Office in Haiti (BINUH) established by the Security Council of the United Nations pursuant to resolution 2476 (2019). The report shows that until recently Haiti had no laws that adequately address the issues currently before this court. The report is offered for its fact-finding content and not the veracity thereof. A copy of the report is attached hereto as **Exhibit "A"**.

Federal Rule of Evidence 201 authorizes this Court to take judicial notice of documents that are "not subject to reasonable dispute" because they are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be disputed." Fed. R. Evid. 201(b); *Oneida Indian Nation of N.Y. v. State of N.Y.*, 691 F.2d 1070, 1086 (2d Cir. 1982). The scope of sources that may be judicially noticed is broad and includes documents, such as reports from the United Nations. Such documents are appropriate where the purpose is to establish that particular matters

have been raised or stated in another forum. *Liberty Mut. Ins. Co. v. Rotches Pork Packers, Inc.*, 969 F.2d 1384, 1388 (2d Cir. 1992).

Previously, under ECF Dkt. 71, Plaintiffs presented to the court an article written by law professor, Ikenson ÉDUME, detailing the inadequacy of Haiti judicial system that incapacitates it from adjudicating economic and financial crimes. As per the learned professor, there existed, at the time of publication of his article, “a legislative vacuum” that must be filled before a trial for economic and financial crimes, like the one pending before this court, can be had. The professor’s assertion is echoed in paragraph 25 of the BINUH report making reference to the new penal code enacted by Presidential decree on July 24, 2020 (discrepancy as to the date of promulgation is found in the report. See paragraphs 5 and 25), which states “... Moreover, the recognition of new forms of criminal offenses, such as electronic and transnational crimes,... will harmonize Haitian domestic legislation with international criminal justice and human rights norms and standards, including the country’s international treaty obligations.” Needless to say, that until June or July 24, 2020 Haiti had no laws that attach liability to the wrongful conduct of the Defendants in this pending action. Still, even though there is a new penal code that penalizes the Defendants’ conduct, such a law will not enter into force until 2022 as per the United Nations’ report.

Aside from the sections of the report that highlight the heightened level of insecurity created by gangs together with the impunity that many known actors are enjoying, of interest to this court are paragraphs 6, 14, 24 and 54 of the report. Paragraph 6 highlighted the fact that “the Haitian National Bar [under the leadership of Monferrier Dorval] published an opinion arguing that the Haitian Constitution does not grant the President the right to issue [] decrees and called for the withdrawal of those issued since 13th January.” Mr. Dorval also advocated for constitutional change and refused to nominate a member of the bar to the “Temporary Election Council/CEP”

given the sordid circumstances that gave rise to the council. Unfortunately, Mr. Dorval, for his articulated stance, paid the ultimate price with his life by being murdered on August 28, 2020 in front of his home which is located inches away from that of Jovenel Moise. According to Haiti Observateur, in its September 9-16 publication, at least three of the culprits involved who were arrested have ties with the occupants of the National Palace. As argued before by the Plaintiffs, sending the Plaintiffs and their counsel to Haiti to litigate in such an environment is equivalent to signing their death sentence.

Plaintiffs are also bringing to the court's attention that as of October 1st, 2020, MoneyGram has joined in the fray. A copy of the receipts issued by MoneyGram showing the collection of the \$1.50 is attached hereto and made a part hereof as **Exhibit "B."** As evidenced by the receipt, the same scheme and ploy used by the other money transfer Defendants are used by MoneyGram. The extra \$1.50 is buried somewhere at the bottom of the receipt. For almost a decade MoneyGram never collected the extra \$1.50 charged by the Defendants. Months after the recent court order, MoneyGram begins to collect the \$1.50 under the guise that it can "no longer absorb the \$1.50 charged by BRH." MoneyGram's action gives credence to the adage that "justice delayed is justice denied." A copy of the communique issued in Haitian Kreyol justifying MoneyGram's collection of the \$1.50 is attached hereto and made a part hereof as **Exhibit C.**

For the foregoing reasons, Plaintiffs respectfully requests that the Court take judicial notice of and consider the Congressional hearing testimony, attached hereto, in its determination of Defendants' Motion to Dismiss.

Respectfully submitted,

/S/ Marcel P. Denis

cc: All Counsel of Record via ECF

EXHIBIT “A”

United Nations

S/2020/944



Security Council

Distr.: General
25 September 2020

Original: English

United Nations Integrated Office in Haiti

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2476 (2019), by which the Council established the United Nations Integrated Office in Haiti (BINUH) and requested me to report on the implementation of the resolution every 120 days. The document covers significant developments that have occurred since the issuance of my previous report (S/2020/537) and provides an update on the implementation of the BINUH mandate as the mission completes its first year of existence.

2. The direct health impact of the coronavirus disease (COVID-19) pandemic in Haiti has, so far, been moderate, with 8,600 confirmed cases and 221 deaths reported as at 22 September 2020. While official statistics are likely to be underreported, the Government's response to the crisis, under the leadership of its COVID-19 multisectoral commission, has contributed to containing the transmission rate. The pandemic has nonetheless compounded the dire socioeconomic and humanitarian situation resulting from years of crisis and illustrated the need for continued stability and an ambitious development and reform agenda.

3. BINUH and the United Nations country team have further built on the complementary nature of the mission's political and advisory mandate and the programmatic as well as technical support capacities of the United Nations agencies, funds and programmes present in the country. The United Nations system has provided advocacy and programmatic support to the Government response to COVID-19. In parallel, it has advanced implementation of its "One United Nations" plan through a joint integrated strategic framework and developed programmes with a view to preparing for an eventual transition of mission responsibilities to national authorities supported by the United Nations country team.

II. Political and good governance (benchmark 1)

4. The United Nations system continued to strengthen its partnership with national authorities to implement a reform agenda aimed at addressing institutional weaknesses and the root causes of instability. Progress, however, was constrained by the institutional vacuum resulting from the non-holding of elections to replace the fiftieth legislature, which ended its term on 13 January 2020, and the persistent lack of consensus on a



S/2020/944

common political agenda. Polarization remains acute, as formal talks to overcome the political impasse have not resumed since the last round of dialogue facilitated by the United Nations, the Organization of American States (OAS) and the representation of the Holy See, on 24 February 2020. The spirit of national cohesion briefly displayed at the onset of the COVID-19 pandemic rapidly dissolved, while increased levels of gang-related insecurity and several high-profile murders in late August portend of inauspicious dynamics as Haiti prepares to enter a new electoral cycle.

5. Political tensions were further aggravated in late June as the opposition renewed calls for President Jovenel Moïse to leave office in February 2021 and for the installation of a transitional government. On 21 August, 228 members of opposition parties and grass-roots civil society movements issued a statement objecting to the holding of elections under the current administration and committing to reach agreement on the modalities for a transitional government. Amid that tense climate, the Executive sought to pursue parts of its governance agenda. On 5 June, the Council of Ministers adopted an overdue \$1.8 billion national budget (approximately 198.7 billion Haitian gourdes) for the 2019/20 fiscal year, which ends on 30 September. The President also promulgated several pieces of legislation by decree, including one pertaining to the new biometric national identity card – which also serves as a voter identification card – on 16 June, and a new Penal Code on 24 June. The latter was the result of a decade-long national effort to update the country's obsolete 1835 legal framework and better align it with international legal and human rights norms.

6. The use of presidential decrees to enact reform, in the absence of a functioning legislative branch, elicited strong criticism from opposition parties and civil society groups over the lack of checks and balances in the process. Those concerns were further heightened by the Executive's appointment, through a decree published on 9 July, of municipal commissions for the 140 municipalities where the term of office of elected municipal councils ended between 23 May and 30 July without the holding of elections. Following two extraordinary meetings, on 17 and 24 July, the Haitian National Bar Association published an opinion arguing that the Haitian Constitution does not grant the President the right to issue such decrees and called for the withdrawal of those issued since 13 January.

7. Despite those dynamics, some progress was made in the preparations for the launch of a new electoral cycle in 2021. The Provisional Electoral Council submitted a draft electoral decree, dated 23 July, to President Moïse. The text strengthens electoral dispute resolution mechanisms and mandates that, in all electoral races, except for the presidential one, one-third of political party candidates must be women. The drafters of the document, however, eschewed other stronger measures advocated by the President and women's rights activists to increase elected representation of women. Progress also continued towards the completion of an updated voter registry. As of 26 August, the National Identification Office, which was recently allocated \$4.3 million to increase its delivery capacity, had registered some 2.7 million citizens out of an estimated 6.8 million Haitians of voting age, and distributed 1.6 million biometric identity cards.

8. Notwithstanding, electoral uncertainty remains high in the absence of consensus on key aspects of election preparations, including an electoral calendar and the composition of a new Provisional Electoral Council, after the collective resignation of the previous Council on 24 July, an act that followed a request from the presidency on 23 July for the sectors represented in the Council to either confirm their existing representative or appoint a new one within 48 hours. In the light of the prevailing political dynamics, negotiations that led to the 18 September designation by President Moïse of nine new counsellors were convoluted.

9. Amid increased electrical power outages, allegedly caused by poor quality fuel supplied by a contractor new to the country's oil market and widely viewed as

affiliated with influential individuals, the Government's pursuit of its anti-corruption agenda in the energy sector was contested by the opposition for being politically motivated and partisan. Critics pointed in particular to the proceedings initiated against the private electricity provider SOGENER, which had its premises sealed and saw arrest warrants issued against several of its board members in the last week of July. Critics were also incensed by President Moïse's 22 June request to three government anti-corruption bodies to open an inquiry into State oil contracts from 2010 onwards, and again by the 14 August release of the findings of those inquiries, which concluded that the Haitian State had lost \$1.7 billion over 10 years and that oil companies had accrued \$94 million in profit at the expense of the State following the liberalization of the oil sector in March 2019. The Haitian Association of Petrol Professionals rejected those findings in a 20 August statement, noting that prices had been fixed by the Haitian State.

10. Moreover, following the 13 August hearing of a former Senate President and leading opposition figure by the Anti-Corruption Unit for a loan extended to his family by the State Pension Fund, the opposition announced that it would submit three complaints for corruption against perceived allies of the ruling coalition, including the firm currently contracted by the State to import petroleum products. Against that backdrop, calls for accountability on the use of the PetroCaribe funds regained momentum with the 17 August submission of a third PetroCaribe audit report by the High Court of Auditors and Administrative Disputes to the 10 remaining members of the Senate. On 19 August, the Court was also requested by a human rights non-governmental organization to audit 30 contracts signed by the Government during the COVID-19 public health emergency.

11. Discontent with the Government's policies and initiatives spilled over beyond parts of the political and business elite and resulted in an increase in civil unrest episodes, from a total of 55 in May and June to 174 for the months of July and August. Notably, a countrywide protest organized by religious actors opposing provisions in the new Penal Code advancing sexual, reproductive and women's rights mobilized over 6,000 people. In addition, several local demonstrations against electricity blackouts, insecurity and recent changes in municipal administrations also took place. Those episodes attest to worrisome levels of popular frustration.

12. In that fraught context, the mission continues to extend its good offices to address the trust deficit that permeates the Haitian political landscape and promote a more conducive political environment. Outreach to political actors, academics, the private sector, civil society, women leaders and other stakeholders is ongoing to identify points of convergence and potential confidence-building measures, and to maintain momentum on debates over key reforms. Moving forward, that engagement will continue to seek to spark action on concrete, legitimate Haitian-led initiatives that will place the country on a path to greater political stability.

13. The mission and OAS also reached out to a wide range of national stakeholders and contributed to the growing public debate on constitutional reform, an issue that received broad support during the dialogue hosted at the nunciature last year. A BINUH editorial published on 15 June advocating for a Haitian-owned constitutional reform process initially sparked mixed reactions but nonetheless paved the way for a number of Haitian-led public initiatives on the issue, including a two-day workshop organized on 12 and 13 August by the Office of the Ombudsperson (Office de la Protection du Citoyen), the national human rights institution of Haiti. Prime Minister Jouthe, in a statement on 17 August, expressed support for such civil society efforts, which continue to gain traction. However, this much-needed public debate has yet to lead to a formal constitutional revision process, and the window of opportunity to address the shortcomings of the 1987 Constitution prior to future elections is fast closing.

S/2020/944

14. The shocking assassination, on 28 August, of the president of the Port-au-Prince Bar Association and lead SOGENER counsel, Montferrier Dorval, a respected scholar and vocal advocate for constitutional reform, could have a chilling effect on the active participation of civil society organizations in the shaping and implementation of the reform agenda the country needs. Many political and social actors, including the Office of the Ombudsperson, magistrates' associations, the Haitian and International Federations of Bar Associations, private sector, human rights and faith-based associations publicly expressed their dismay at such an act and have demanded concrete improvement of the security situation as well as an end to impunity. Addressing the nation on 29 August, the President expressed his commitment to taking strong measures against insecurity and to hold perpetrators accountable.

III. Community violence reduction (benchmark 2)

15. Linkages between gang violence and political developments continued to influence the levels of insecurity observed in Haiti. This was evident in recent months in the Port-au-Prince metropolitan area (West Department), where deadly inter-gang clashes in Cité Soleil and Bel Air over control of populous areas that house major public markets and large polling stations displaced at least 298 households and fuelled a widespread sentiment of insecurity. These dynamics, which suggest that competition among gangs is growing in anticipation of elections, led to changes in the constellation of gangs in the metropolitan area, with the formation on 10 June of a new alliance, the *G9 an fanmi* (G9), initially comprising nine gangs from Cité Soleil, La Saline and lower Delmas, but which has since expanded to 15 gangs spanning several neighbourhoods.

16. The G9, which was reportedly formed at the instigation of former police officer Jimmy "Barbecue" Cherizier – who is suspected of being implicated in the emblematic cases of Grand Ravine (2017), La Saline (2018) and Bel-Air (2019) – is notorious because of the diversity of its membership, its influence over vast swaths of territory in the Port-au-Prince metropolitan area and its narrative as a social movement fighting for better services and opportunities in poor neighbourhoods. Its creation raised concerns among political and civil society actors about the detrimental impact partisan gangs can have on State institutions.

17. The signing on 22 August by several gang leaders within G9 of a truce with rivals in Cité Soleil and reports in late August of tensions within the alliance gave rise to questions about its ability to maintain cohesion. Nonetheless, the consolidation of the G9 control of parts of the metropolitan zone appears to have affected major crime trends during the reporting period. Intentional homicides reported to the police decreased by 12 per cent between 1 June and 31 August, with 328 victims (including 24 women and 9 children) compared with 373 (including 9 women and 12 children) in the preceding three months. Just as in previous periods, 74 per cent of those cases were recorded in the West Department, where some 35 per cent of the population lives and gang violence is more prevalent. A closer look at statistics, however, reveals a sudden spike in June (171 reported intentional homicides, compared with 132 in May) that coincided with the formation of the G9 alliance and corresponds with the deadliest raids on the Port-au-Prince neighbourhood of Pont-Rouge and the commune of Cité Soleil. This was followed by a steep decline after July (with 77 homicides reported), once alliances were reconfigured. Conversely, abductions followed the opposite trend. After steadily declining since March to a monthly average of 3.5, abduction cases increased to 19 in July, as gangs reverted to lucrative activities following weeks of intense negotiations and clashes. In total, 32 individuals (including 9 women and 3 children) were abducted, compared with 25 victims (including 7 women and 7 children) in the three preceding months, a 28 per cent

increase. This uptick in kidnappings appears, however, to have been contained by police operations conducted in the latter part of the reporting period, which led to the arrest of 53 abduction suspects and 51 additional gang members.

18. A noticeable increase in gang-related incidents was also observed in other parts of the country, particularly in Cap-Haïtien (North Department) and Petite-Rivière-de-l'Artibonite (Artibonite Department), where insecurity limits movement on several important thoroughfares. Just as in the capital, gang violence might increase once an electoral calendar is announced. Curbing the expansion of gangs thus remains a priority for the Haitian National Police, which launched another nationwide police operation on 7 August, and increased its presence in sensitive areas with the construction of new police stations in Anse-à-Veau (Nippes Department), Ganthier and Malpasse (West Department).

19. The National Commission for Disarmament, Demobilization and Reintegration continued to consolidate its position as the leading national institution on community violence reduction, despite persistent operational constraints. It gained visibility through involvement in the Government's response to the COVID-19 epidemic, supporting the preparation of key messages for the Government's nationwide sensitization campaign as well as mediating tensions over the distribution of food and health items and the installation of sanitary equipment in areas controlled by gangs. However, its draft national strategy on community violence reduction is yet to be formally adopted by the Government. In addition, despite having received in late August a partial budget covering expenses incurred in the previous nine months, including the remunerations of commissioners, the Commission continues to lack a budget.

20. The United Nations contributed to the community violence reduction agenda through programmatic activities. A three-year inter-agency Peacebuilding Fund project, implemented by the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), to strengthen social cohesion in Jérémie (Grand'Anse Department) concluded on 31 July. A total of 4,880 beneficiaries, 55 per cent of whom were women, took part in project activities on community leadership, citizen decision-making, gender equality, women's empowerment, conflict resolution and social cohesion. In addition, 10 youth organizations received financial assistance, enabling microcredit to young people at risk. A new project focused on the Martissant and La Saline areas of Port-au-Prince was approved by the Peacebuilding Fund on 6 July. Its implementation, led by UNDP, IOM and the United Nations Population Fund (UNFPA) is currently being fine-tuned with BINUH and the Commission.

21. BINUH also continued to support national authorities in addressing the proliferation of illicit weapons and ammunition in Haiti within the framework of a dedicated Peacebuilding Fund project implemented by UNDP and IOM, with support from the Department of Peace Operations and the Office of Disarmament Affairs. The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean is assisting in the review and development of arms control legislation. The United Nations Institute for Disarmament Research is preparing an assessment on weapons and ammunition management in Haiti. Through the Peacebuilding Fund project, support is also being provided to the Haitian National Police to improve control over its weapons and ammunition arsenal as well as that of the Firearms Permit Service (*Service de Permis d'Armes à Feu*) regarding the management of civilian permits to possess or carry weapons. Under that project, IOM also provided training to law enforcement and customs officers at the border to improve border management.

22. Sexual and gender-based violence remained prevalent and continued to be underreported. The national health system reported 457 cases of rape (including that

S/2020/944

of 164 women, 235 children and 58 men) between 1 June and 31 August, compared with 541 between 1 March and 31 May. By comparison, 43 rapes were reported to the Haitian National Police between 1 June and 31 August, compared with 35 during the earlier period. While legal protections for women have improved in the updated Penal Code, with anti-discrimination provisions and the decriminalization of abortion, a comprehensive law on violence against women has yet to be adopted, and redress for victims remains inadequate. The United Nations also continues to assist the Ministry of Women's Affairs with the implementation of the national plan to counter violence against women, despite no provisions for the plan in the national budget, and is reviewing a list of service providers for survivors of sexual and gender-based violence. Support was also provided to the Ministry of Women's Affairs with the implementation of its national COVID-19 emergency strategy and communications campaign, with a focus on gender-based violence and continuity of access to basic health services, especially for maternal health.

IV. Justice and the rule of law (benchmark 3)

23. Despite several important developments, including the appointment of a new Minister of Justice and Public Security, the adoption of a new Penal Code and the effective management of the COVID-19 response in prisons, major challenges persisted in the police, justice and corrections sectors.

24. On 9 July, Rockefeller Vincent, until then the Director of the Anti-Corruption Unit, replaced Lucmanne Délille as Minister of Justice and Public Security. During his short tenure, Délille had faced controversy over his management of prisoner releases ahead of the COVID-19 pandemic and several inflammatory declarations related to gangs. Among the new Minister's foremost priorities will be to assuage judicial actors striking to publicize grievances over better work conditions, the payment of salary arrears and the resumption of the currently stalled process to renew judges' mandates. The strikes have had an impact on the conduct of regular judicial activities since my previous report. While commitments made by the Government in early July halted the national movement, several magistrates' associations pledged to resume work stoppages should the executive branch fail to act on its promises. In addition, slow progress in the establishment of the board of the National Council on Legal Aid delayed the opening of 11 decentralized legal aid offices, despite continuous engagement by BINUH, the United Nations country team and other technical and financial partners active in the sector.

25. The promulgation, to mixed reactions, of a new Penal Code by presidential decree on 24 July, represents a landmark achievement for Haiti, as it articulates a more progressive and humane approach to enforcing the law and provides an opportunity to advance justice sector reform. Imprisonment, currently the default option even for minor crimes, will become an exception, and the use of alternatives to incarceration may potentially help reduce prison overcrowding. Moreover, the recognition of new forms of criminal offenses, such as electronic and transnational crimes and grave human rights violations, including torture, crimes against humanity and war crimes, will harmonize Haitian domestic legislation with international criminal justice and human rights norms and standards, including the country's international treaty obligations. Some religious leaders expressed concern over a number of provisions, notably the lowering of the age of sexual consent to 15 and the criminalization of acts of discrimination against members of the lesbian, gay, bisexual, transgender and intersex community, which they perceive as contrary to Haitian cultural and religious values. The current two-year transition period before the Code enters into force could, with the continued engagement of the expert panel that drafted its content under the leadership of former Minister of Justice and Public Security Jean Joseph Exumé, pave

the way for strengthened buy-in among national stakeholders and afford judiciary as well as other penal chain actors time to familiarize themselves with its contents in order to gradually prepare for its application.

26. The limited amount of resources provided to the Haitian National Police over the past several years is beginning to erode not only the organization's operational capacity, but more importantly public confidence in the country's sole functioning nationwide public safety institution. The share of the national budget allocated to the police decreased from 6.60 to 5.53 per cent and remains below the target of 7 per cent set for the third benchmark (see annex). The impact of the depreciation of the Haitian gourde on purchasing power, in tandem with increases in episodes of civil unrest and gang violence, has led the national police operating budget to be increasingly stretched. While Haitian authorities should be striving to build a force of 25,000 police officers to meet the internationally accepted ratio of 2.2 police officers for every 1,000 inhabitants, the national police workforce was reduced by 150 officers since my previous report. The police now count 15,022 officers within its ranks, which corresponds to a ratio of 1.28 police officers per 1,000 inhabitants.

27. Nevertheless, the Haitian National Police continued efforts to strengthen its performance. While female representation within its ranks currently stands at just over 10.5 per cent, women made up 21.3 per cent of the most recent class of recruits. Supported by BINUH and international partners, the national police stepped up efforts to boost women's participation in future recruitment processes. However, the Government needs to redouble its efforts to support the effective implementation of the strategic development plan for the national police, 2017–2021, and notably focus on better training and equipping police officers to ensure compliance with human rights standards and improve police response to public complaints.

28. In collaboration with international partners, the Haiti prison administration managed to mitigate the potentially dramatic effects of the pandemic in prisons and allay fears of high death tolls and insecurity in the country's penitentiary system. Between March and July, 234 individuals out of a total inmate population of 10,908 were tested for COVID-19, with 140 positive cases. Moreover, no significant increase in the carceral mortality rate has been observed compared with the same period last year. Finally, in July, BINUH advocacy for, and advice on, improving the management of Haitian National Police financial resources resulted in the provision of two meals per day to detainees. However, the countrywide recurrent fuel and electricity shortages continued to worsen the already poor detention conditions. In addition, efforts to reduce the inmate population as part of the exceptional judicial measures taken in the COVID-19 context had limited success. Despite the release of 1,042 detainees since 25 March (including 80 women and 25 children), the prison occupancy rate was at 338 per cent, a 1.8 per cent increase compared with the rate cited in my previous report. This increase was mainly due to rising numbers of pretrial detainees stemming from bottlenecks in the judicial sector. The United Nations Peacebuilding Fund allocated \$2 million to support a reduction in prison and detention centre inmates in the context of the COVID-19 pandemic as part of the penitentiary administration contingency plan. The Peacebuilding Fund support would help carry out virtual hearings to facilitate legal arbitration to release detainees.

29. On a positive note, in the fight against impunity, the General Inspectorate of the Haitian National Police expanded its operational capacity to fight misconduct and human rights violations, reaching a key milestone with the construction of a fully equipped and staffed office in Cap-Haïtien (North Department). The office is the Inspectorate's first regional presence and will help to address more proactively citizens' concerns over police wrongdoing.

S/2020/944

V. Human rights (benchmark 4)

30. Gang-related violence and the difficulties encountered by State authorities to protect citizens' rights to life, security and physical integrity, in addition to the lack of accountability of alleged perpetrators for past human rights abuses, continued to have a negative effect on the human rights situation in the country. At the same time, the Government bolstered its ownership of human rights issues by appointing Jessy Ménos as Minister-delegate for Human Rights and the Fight against Extreme Poverty on 8 July. That position had been vacant since the appointment of Joseph Jouthe as Prime Minister on 4 March. As part of her duties, the Minister-delegate assumed leadership of the Inter-Ministerial Committee on Human Rights, which is tasked with the coordination of human rights-related policies.

31. The mission documented the continuing occurrence of human rights violations and abuses in Haiti, primarily in the context of inter-gang clashes, the majority of which were recorded in the metropolitan area of Port-au-Prince (West Department). Since my previous report, BINUH observed an increase in attacks by gangs targeting the population, a development that can be explained by the establishment of the *G9 an fanmi* alliance and a lack of accountability for past abuses, including in emblematic cases like Grand Ravine (2017), La Saline (2018) and Bel Air (2019). Between 1 June and 31 August, BINUH attributed 172 alleged human rights abuses to gang members and unidentified armed men, including 27 killings, 28 injuries and 8 rapes.

32. Moreover, the seeming involvement in recent gang attacks in the Port-au-Prince neighbourhoods of Pont-Rouge and Bel Air, as well as in the commune of Cité Soleil, by known individuals, such as Jimmy "Barbecue" Cherizier, who are the subjects of national police arrest warrants for their alleged implication in emblematic armed attacks, including in Grand Ravine, La Saline and Bel Air, further underscores how impunity and a manifest lack of accountability fuel recurrent cycles of violence. In the face of such violence, the Office of the Ombudsperson, the national human rights institution, emphasized the State's obligation to protect the right to life, while civil society organizations published multiple reports documenting gang violence, questioning the effectiveness of the Government's response and reiterating allegations of collusion between gangs and State agents. BINUH also reiterated its serious concerns in a 12 August statement, in which it strongly condemned gang violence and reiterated its call for accountability of perpetrators.

33. The situation surrounding Emmanuel "Toto" Constant, a former paramilitary leader sentenced in absentia to life imprisonment on 16 November 2000 for his involvement in the 1994 Raboteau massacre, who was deported from the United States of America on 26 June, also raises concerns. While Constant was arrested upon his arrival in Port-au-Prince, the Prosecutor's office has not been able to locate his judicial file to confirm that his detention is in compliance with his prior conviction. Concerns that Constant could escape justice remain despite the rejection by the Gonaïves Court of First Instance, at the end of July, of an application for habeas corpus filed by Constant's attorneys. BINUH and the Office of the United Nations High Commissioner for Human Rights (OHCHR) are advocating for the regularization of Constant's legal situation and are providing support to human rights organizations to strengthen awareness, access to justice and protection, including for the families of the Raboteau victims.

34. The lack of accountability for human rights violations committed by State agents (91 violations during the period under review, resulting in 29 people killed and 35 injured) remains concerning, because of the chronic absence of progress on judicial proceedings against alleged perpetrators, including those within the national police. Between October 2019 and August 2020, the General Inspectorate of the National Police opened investigations into 172 allegations of human rights violations.

Among the 13 investigations concluded to date, recommendations have been endorsed in seven cases while the others are pending final review by the Director-General ad interim of the Haitian National Police or the Minister of Justice and Public Security. In addition, 14 cases were transferred to the judiciary for prosecution during the same period. The General Inspectorate also investigated an additional 134 possible violations related to cases pertaining to incidents that occurred between 2005 and 2019. It recommended sanctions in 45 cases, out of which only 8 were implemented and 7 transferred for judicial proceedings.

35. In addition to the appointment of a new Minister-delegate for Human Rights and the Fight against Extreme Poverty, the Government submitted its additive report to the Human Rights Committee, ahead of a review of its implementation of the International Covenant on Civil and Political Rights, planned for October. Notwithstanding those developments, the national action plan on human rights, validated in December 2019 by the Inter-Ministerial Committee, is still pending endorsement by the Council of Ministers. The plan seeks to address lasting human rights problems by implementing recommendations formulated in the context of the Human Rights Council universal periodic review of Haiti in 2016.

36. Advocacy efforts are still ongoing to ensure the draft national human rights action plan is adopted by the Council of Ministers. The ratification by Haiti of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance is included in that draft.

37. The Office of the Ombudsperson also continued advocacy on key human rights issues. It coordinated the implementation of the national human rights protection framework and issued recommendations on various human rights concerns, including prolonged pretrial detention, the right to health, the impact of the magistrates' strike on access to justice and insecurity and gang violence. BINUH supported the Office in the elaboration of an operational plan for the implementation of its new protection strategy, which seeks to effectively manage human rights complaints countrywide, as well as develop and carry out key advocacy initiatives, in particular on economic and social rights.

38. Furthermore, efforts to strengthen the ability of national human rights organizations to undertake their critical role advocating for citizen's fundamental rights continued. With support from BINUH and OHCHR, national organizations and the Office of the Ombudsperson advocated for preventive COVID-19 measures and anti-stigmatization practices in prisons, based on visits to several detention centres and police stations, including the women's prison in Cabaret and the juvenile detention facility in Port-au-Prince. In addition, BINUH supported several national human rights organizations in submitting alternative reports to the Human Rights Committee ahead of its meeting on the implementation by Haiti of the International Covenant on Civil and Political Rights, planned for October.

39. Finally, BINUH continued discussions with the Haitian authorities about opening a standalone OHCHR office in Haiti. If approved, the office would continue to work with the Haitian authorities following the eventual departure of the mission to ensure the sustainability of progress made in recent years in the field of human rights.

VI. Unemployment, youth and other vulnerable groups (benchmark 5)

40. The economic forecast for Haiti for 2020 remains gloomy. Recently revised projections from the Economic Commission for Latin America and the Caribbean

S/2020/944

(ECLAC) suggest a contraction in gross domestic product by 5 per cent for the year, due largely to the fallout of the COVID-19 health crisis compounding the economic impact of sociopolitical unrest in 2019. In recent months, it has become harder for the poorest households to gain access to food, owing to the continuing increases in the price of staple foods and other goods. At the same time, household incomes and purchasing power dropped as a result of, among other factors, reduced economic activity due to disinvestment in the textile and agricultural sectors linked to the pandemic. On a macroeconomic level, the weakened economic activity led to an estimated 16 per cent decline in fiscal revenues by the end of July, while expenditures rose by 25 per cent in real terms. The resulting large government deficit prompted a central bank intervention equivalent to about 6 per cent of gross domestic product at the end of July. Meanwhile, the value of the gourde against the United States dollar has exhibited increased volatility, and inflation is projected to remain above 20 per cent in 2020. In addition, efforts to address the country's fundamental economic challenges still languish, as discussions between the Government and the International Monetary Fund on a staff-monitored programme recently stalled over the Fund's request for greater transparency regarding a public procurement contract in the oil sector.

41. To better understand the exact toll of the pandemic on the Haitian economy and households, the resident coordinator has been leading the efforts of the country team to assess and identify solutions to overcome the effects of the pandemic. Working under the overall coordination of the Ministry of Planning and International Cooperation and with UNDP providing technical leadership, the country team has engaged, through a global tripartite agreement for post-crisis assessments with the World Bank and the European Union, on the conduct of a joint, comprehensive COVID-19 socioeconomic impact assessment. That process draws on the expertise of various members of the country team, including non-residents such as ECLAC, and the ongoing analysis by UN-Women of the gender-differentiated impacts of the pandemic in Haiti. It will include recommendations for public policy reform and guide the Government's formulation of a cogent and comprehensive recovery plan. In addition, the World Food Programme (WFP) and the Office for the Coordination of Humanitarian Affairs are delivering assistance through cash transfers in order to empower beneficiaries to meet their essential needs through local markets.

42. Over the past several months, the United Nations country team has adapted its implementation of short-term stabilization interventions to help achieve a long-term impact despite the challenging context. To help support vulnerable rural household incomes and to prevent further deterioration of food security, the Food and Agriculture Organization of the United Nations (FAO) is assisting with agricultural inputs, animal health and diversification of food and income sources, among other actions. To help preserve employment and improve livelihoods, UNDP, in collaboration with the Government, provided training in financial management, marketing and customer service skills, as well as a one-time cash subsidy of \$153 to 458 microenterprises. In addition, the United Nations Office for Project Services (UNOPS) restarted its labour-intensive roadwork projects in the Artibonite and Centre departments, while UN-Women trained low-income women in the production of masks and soap, providing them with income opportunities during the pandemic.

VII. Basic social service delivery and resilience (benchmark 6)

43. While the impact of the pandemic in Haiti has not been as severe as initially projected, the COVID-19 virus nevertheless continues to spread throughout the country at a steady albeit low level, mandating continued caution. A small uptick in cases was registered following the President's suspension of the state of health emergency on 28 July, which permitted the reopening of schools and places of worship, but a larger

surge has not been observed to date. The Government continues to implement the national COVID-19 preparedness and response plan, in which the United Nations system – under the leadership of the Pan American Health Organization (PAHO) and the World Health Organization (WHO) and through the work of IOM, UNDP, UNFPA, UNOPS, WFP and the United Nations Children’s Fund – played an important supporting role. As part of the plan, the Government established call centres and data analysis teams in all 10 of the country’s departments and activated contact tracing and investigation teams across the country to enhance surveillance. The Ministry of Public Health and Population set up triage spaces for suspected cases in 147 non-COVID-19 health centres to ensure safe treatment of patients. Moreover, in collaboration with partners, the United Nations distributed masks and other material to vulnerable groups, including people living with HIV. Measures to detect and follow-up on potential migrants with COVID-19 were put in place at several border crossing points. Finally, awareness-raising efforts, a crucial element of the COVID-19 response, helped reduce the spread of the virus by sensitizing communities to effective prevention measures, including through the activities of thousands of community health workers trained by PAHO/WHO with the Ministry of Public Health and Population.

44. Development and humanitarian indicators in Haiti took a downward turn in recent months. The pandemic heightened protection issues, including for women and girls who face increased risks of sexual and gender-based violence. The United Nations-European Union Spotlight Initiative on gender, working with 22 partners, has sensitized more than 2,500 young people on the availability of the green line/hotline of the Children’s Protection Brigade of the Haitian National Police and to provide psychological assistance and group support to about 500 adolescents and girls. In addition, the reallocation of health workers and resources to the COVID-19 response and fear of contagion has interrupted the continuity of health services, including routine immunization and life-saving maternal and neonatal health interventions.

45. After being closed for months, schools reopened on 10 August for more than 4 million children, but the lack of access to or limitations of distance learning exacerbated existing educational inequalities for the poorest and most vulnerable households. An ongoing drought, border closures and other COVID-19-related factors also resulted in a deterioration of food security and nutrition, to the extent that 53 per cent of households experienced hunger between May and June, according to a United Nations-supported study by the National Coordination for Food Security. Without access to sufficiently nutritious food, the number of children suffering from malnutrition is expected to increase by 25 per cent by the end of the year. In that context of growing vulnerabilities, the National Social Protection and Promotion Policy – adopted in June – and the decree governing its implementation represent positive developments. The United Nations stands ready to support the drafting of the national action plan for the policy as a next step. It is also, in partnership with the World Bank, contributing to the development of a knowledge base for policymaking through the implementation of several studies on the impact of COVID-19 on households, food security, the environment and gender, among others. Moreover, to help respond to the worsening humanitarian situation, a revised 2020 Humanitarian Response Plan was launched in June. It aims to reach 2.3 million (as part of the non-COVID-19 response) of the 5.1 million Haitians deemed the most vulnerable. Including the COVID-19 response, the revised plan requests \$472 million. As of 10 September, it was 16 per cent funded.

46. One bright spot in the health sector, despite interruptions to services over the past several months, remains the fight against cholera, which the United Nations continues to prioritize, while supporting the Government in capitalizing on cholera surveillance and alert-response systems to advance efforts against COVID-19 and other infectious diseases. In 2020, only 79 suspected cases of cholera have been

S/2020/944

identified, all of which have tested negative. Because so few cases of suspected cholera have been found, testing has been expanded to include additional forms of acute watery diarrhoea to increase confidence in results. Nineteen consecutive months have passed since the most recent confirmed case of cholera was recorded in Haiti.

47. The current hurricane season, which has been more active than normal for Haiti and the Caribbean region, could further exacerbate humanitarian needs. Already, the country has seen 31 people killed, 2,320 houses damaged and 243 destroyed by tropical storms. The United Nations is engaged with the General Directorate of Civil Protection to support preparedness, including the prepositioning of food and non-food items, the enhancement of rapid assessment and information management capacities, the review of contingency plans in the light of the pandemic and the construction as well as renovation of emergency shelters. To reinforce COVID-19 prevention efforts, masks have been given to the General Directorate of Civil Protection for distribution, and prevention measures are employed at food and cash distribution sites, as well as in emergency shelters.

VIII. Operational posture and integration

48. Efforts continued aimed at implementing the integrated strategic framework, which is intended to guide the collective efforts of the Organization in 2020 and 2021, following the projected renewal of the BINUH mandate. In particular, the United Nations system in Haiti is currently devising integrated solutions to address the structural blockages preventing progress on the country's many challenges. In addition, a number of entities have realigned or reprioritized some funding, while some have brought on board additional human resources focused on objectives of the integrated strategic framework.

49. BINUH successfully relocated its headquarters on 1 September to the Pétionville commune of Port-au-Prince metropolitan area, in closer proximity to United Nations agencies, partners and counterparts. The move enabled the mission to close the logistics base inherited from previous peacekeeping missions, a site that had become too costly to maintain and did not meet BINUH operational requirements. The logistics base facilities are scheduled to be rehabilitated and returned to the Government of Haiti on 30 September 2020, in full compliance with United Nations policy and established environmental standards. They are set to house the National Emergency Operations Centre of the General Directorate of Civil Protection. As part of the move, surplus equipment and inventory was disposed of through sales and, in some cases, gifting to governmental partners to strengthen institutional capacities and help respond to the COVID-19 pandemic. BINUH police and corrections co-location sites also finished rehabilitation and became fully operational.

IX. Sexual exploitation and abuse

50. Since my previous report, BINUH has received one new allegation of sexual exploitation and abuse relating to the United Nations Stabilization Mission in Haiti period. The Mission also received allegations against a new perpetrator in a case reported in 2009. Efforts continued to support those and other victims of sexual exploitation and abuse, as well as any children born as a result of such misconduct. The Office of the Ombudsperson stands ready to play a role in reporting cases, including by contacting the national human rights institution of the country of origin of alleged perpetrators. At the same time, efforts to prevent sexual exploitation and abuse continued, including through the recruitment of a system-wide coordinator of the task force on sexual exploitation and abuse, as well as through online training-of-trainers sessions for implementing partners on prevention.

X. Observations

51. As Haiti prepares to enter a new electoral cycle, the rapid dwindling of the national cohesion witnessed at the onset of the COVID-19 outbreak is cause for serious concern. Despite the prevailing consensus on the need for a constitutional review prior to elections and comprehensive institutional reforms, national stakeholders have not come to an agreement over a political and broader reform agenda to address root causes of instability in Haiti. Furthermore, the institutional vacuum created by delayed parliamentary and local elections has further added to the polarization of the public debate.

52. A minimal political consensus, as well as a realistic plan for elections, to include an electoral framework, calendar, voter registry and budget, and a fully functional Provisional Electoral Council, are needed to ensure free, fair and transparent elections that will lend legitimacy to the political system and strengthen State institutions and good governance. Should this not be the case, the Haitian population could once more be the victim of the type of political violence that has plagued previous processes. I therefore reiterate my call, with renewed urgency, to government, political and civil society stakeholders to set aside their differences and leverage this historical opportunity to deliver on popular expectations by coming to agreement on necessary governance reforms. My Special Representative, BINUH and the entire United Nations system stand ready to assist national stakeholders in engaging in a constructive dialogue aimed at forging a consensual reform agenda and devising a credible and inclusive electoral process.

53. Women remain at risk of violence and continue to be marginalized in the political life of the country. As we approach the twentieth anniversary of Security Council resolution 1325 (2000), in which the Council reaffirmed the role of women in peacebuilding, among other peace and security actions, I urge the Government to take more decisive measures to improve the legal framework and finance the national action plan on gender-based violence and to ensure increased women's participation, as voters, candidates and administrators, in the forthcoming elections.

54. I condemn in the strongest terms the assassination of Montferrier Dorval and urge Haitian authorities to spare no effort to bring the perpetrators of this crime to justice and to address the root causes of political and criminal violence, for all Haitians to enjoy their fundamental civic, political and socioeconomic rights.

55. Gang violence increasingly challenges State authority over parts of the national territory. Infighting between gang alliances in Port-of-Prince and the unacceptable deliberate targeting of local communities during clashes have led to a stark increase in civilian casualties in populous neighbourhoods. This rising insecurity is of particular concern in the light of forthcoming elections. It is thus important and urgent that the Government continue to support the National Disarmament, Demobilization, and Reintegration Commission, including through the approval of its holistic national strategy and the allocation of a viable budget. Likewise, I encourage the Government and the donor community to marshal their support to the Haitian National Police, which strives to fight insecurity within its limited means while operating in a constant crisis-management mode, and to ensure the effective implementation of the strategic development plan for the period 2017–2021, the advancement of security sector reforms, as well as an improved security environment before the next elections.

56. Haiti continues to face challenges to its efforts to protect its citizens from violence through effective law enforcement and judicial action, including by arresting and prosecuting perpetrators, ensuring accountability and pre-empting violence. The fact that those responsible for the killings of Grand Ravine, La Saline, or Bel Air have yet to be brought to justice has perpetuated impunity and fed allegations of collusion

S/2020/944

between gangs and political stakeholders. While the appointment of a new Minister-Delegate for Human Rights, the increased visibility of the Office of the Ombudsperson and the Prime Minister's outreach to human rights organizations are encouraging signs of the Government's intention to fulfill its human rights obligations, those obligations also entail that all individuals who are subject to national police arrest warrants, especially those with alleged implication in emblematic armed attacks, are no longer allowed to remain at large and operate freely.

57. I encourage the Government to support the establishment of a standalone OHCHR office in Haiti to safeguard continued collaboration with State authorities on human rights issues.

58. The fight against corruption has to continue. I urge the Government and all stakeholders to ensure that all those who are engaged in corrupt activities are brought to justice, regardless of their political affiliation, and that adequate anti-corruption safeguards and systemic transparency and integrity standards are put in place.

59. It is also essential to pursue efforts to tackle the systemic weakness of the justice sector. The new Penal Code will contribute to aligning Haitian legislation with international criminal justice and human rights norms and standards. Given the Code's controversial adoption by decree, it will be important to build support for it and extensively prepare for its implementation during the two-year period before it enters into force. While this updated legal framework provides an unprecedented opportunity to modernize the Haitian justice system, adequate resourcing is required to advance institutional reforms and strengthen the legal system.

60. The penitentiary system demonstrated a certain capacity to cope with the many challenges that have arisen during the COVID-19 pandemic. Nevertheless, detention conditions remain concerning, in terms of access to basic services and occupancy rates, while the carceral system continues to hold an estimated 80 per cent of detainees in pretrial detention. Government leadership, innovative solutions and increased coordination among judicial actors, but also with international partners, are required to resolve long-term issues pertaining to detention conditions and access to justice.

61. The thus-far muted impact of COVID-19 on Haiti, coupled with an effective response by the Government and the multisectoral commission for the management of the COVID-19 pandemic, have spared the country's population from the most serious effects of the pandemic. Nevertheless, the health emergency aggravated an already dire socioeconomic and humanitarian crisis and exacerbated vulnerabilities and inequalities regarding access to basic services and economic opportunities. Robust recovery efforts will be required to reverse these negative trends and reinvigorate the economy. The successful implementation of the United Nations-supported socioeconomic impact assessment and recovery plan will require a conducive political environment and a concerted effort from all of the country's partners, both in terms of funding and programmatic support.







62. In doing so, we must keep our eyes on the longer-term, structural challenges of Haiti, for which the 2030 Agenda offers a pathway forward. I count on BINUH and the country team to continue working together to strengthen the United Nations system's cohesion to help the country recover better and accelerate progress towards achieving the Sustainable Development Goals. Haiti and its people deserve no less.



63. In conclusion, I would like to express my sincere gratitude to my Special Representative for Haiti, Helen Meagher La Lime, to my Special Envoy, Josette Sheeran, to Deputy Special Representative, Resident Coordinator and Humanitarian Coordinator, Bruno Lemarquis, and to all United Nations personnel in the country for their tireless work and dedication and to reiterate the commitment of the United Nations to contributing to the stabilization and prosperity of Haiti.

S/2020/944



Annex

Benchmark indicators, targets and baselines


<i>Symbol</i>	<i>Equivalent</i>	<i>Symbol</i>	<i>Equivalent</i>
	On track to achieve target by the timeline (5 targets, 14 per cent)		Challenges expected to achieve target by the timeline but with a descending trend (7 targets, 20 per cent)
	Challenges expected to achieve target by the timeline but with a positive trend (11 targets, 31.5 per cent)		No progress/Not on track to achieve target by timeline (5 targets, 14 per cent)
	Challenges expected to achieve target by the timeline but with a stagnating trend (3 targets, 9 per cent)		No update on progress was expected during the reporting period (4 targets, 11.5 per cent)

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
1. National political and socioeconomic actors, including civil society, are engaged in inclusive cooperation and consensus-building resulting in improved functioning of State institutions and good governance	1.1 Political dialogue leads to consensus regarding required reforms and next steps, including adequate female representation	December 2020	Political actors currently converge over the need for structural reforms but lack consensus on transitional arrangements; no comprehensive dialogue process is taking place	Formal dialogue efforts have not resumed since the United Nations/Organization of American States-facilitated talks in late February 2020, despite a number of informal efforts and initiatives to overcome the current political impasse	
	1.2.1 Established transitional arrangements and roadmap	N/A	The Government remains in an acting capacity; the mandate of the Lower House and part of the Senate expired on 13 January, while parliamentary elections slated for October 2019 have been postponed	The Government remains in an acting capacity in the absence of clarity on an electoral calendar for the delayed parliamentary election or of a political agreement on a transitional roadmap. The fiftieth legislature came to an end in January 2020, leaving the country without a parliament	
	1.2.2 Adoption of a new Constitution for Haiti	N/A	The 1987 Constitution remains in effect. Political conditions to start constitutional reform are absent	The 1987 Constitution remains in effect. Despite stakeholders' consensus on the need for constitutional reform, the current political conditions have not yet permitted the launching of the formal process	





S/2020/944

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
	1.3.1 Adoption of a new electoral legal framework that preserves existing provisions relating to women representation	December 2020	The draft electoral law of November 2018 is pending in Parliament, amid plans for a new draft to be developed	The Provisional Electoral Council submitted a draft electoral law to the presidency on 23 July, including a provision for 30 per cent of the candidates of all political parties to be women for all but presidential elections. The President also began consultations towards the establishment of a new Council, following its collective resignation on 24 July	
	1.4.1 Government investment as a percentage of total expenditure increases by 5 per cent, to 3.91 per cent for 2019/20, adjusted for inflation	October 2020	Government investment was 3.72 per cent of total expenses in 2018/19	As of July 2020, at the start of the fourth quarter of the 2019/20 period, data from the cash accounting stage showed that government investment had risen slightly from 2,298,000,000 gourdes during the same period in 2018/19 to 2,568,000,000 gourdes (a change of 11.7 per cent), although inflation during the same period was as high as 20 per cent, indicating a likely decline in real investment. In addition, data from the cash accounting stage showed that approved expenditure for public investments fell to 3.16 per cent of total expenditure for 2019/20, likely owing to increased expenditure as a result of the COVID-19 pandemic. Finally, the Government's budget execution data from July 2020 showed an increase of one percentage point in intended expenditure for public investments between 2018/19 and 2019/20. The discrepancies could reflect capacity challenges in updating budgetary commitments, as well as limitations in fiscal and monetary management	



S/2020/944

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
2. State institutions, local authorities, community-based civil society, youth and women's organizations are engaged in consultation, cooperation decision-making processes and programmes that reduce community violence, in particular associated with gangs and sexual and gender-based crimes	2.1.1. Adoption and implementation of the national disarmament, demobilization and reintegration strategy. (Levels: (1) national disarmament, demobilization and reintegration strategy is drafted; (2) national strategy is adopted; (3) national strategy is implemented)	Strategy drafted and adopted by December 2020, and implementation commences in January 2021	A national strategy is currently being drafted by the National Disarmament, Demobilization and Reintegration Commission with support from the United Nations Integrated Office in Haiti	Following consultations on the development of the national disarmament, demobilization and reintegration community violence reduction strategy involving civil society organizations, agencies of the United Nations system, and the National Disarmament, Demobilization and Reintegration Commission, the final version of the strategy was submitted by the Commission to the Prime Minister on 5 May 2020. Adoption of the strategy is pending	
	2.2.1. Number of community violence reduction and disarmament, demobilization and reintegration community-based projects and interventions coordinated through the National Disarmament, Demobilization and Reintegration Commission	December 2020	None	One inter-agency (United Nations Development Programme, International Organization for Migration and United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)) community-based community violence reduction project in Jérémie was completed on 31 July, with support from the Peacebuilding Fund. It focused on promoting social cohesion in at-risk neighbourhoods by building leadership and peacebuilding skills among young people and promoting a culture of peace, with a specific focus on youth participation in decision-making, addressing gender-based violence and gender equality, in addition to carrying out an emergency economic recovery programme for women affected by gang violence and the current sociopolitical crisis. Additional projects with greater coordination by the Commission are being prepared	




S/2020/944

Benchmark	Target	Target timeline	Baseline as of December 2019 if not otherwise specified	Update as of 10 August (or as otherwise specified)	Trend
	2.3.1. Adopt and implement relevant laws and implementing frameworks on weapons and ammunition management. (Levels: (1) redrafting of law on ammunition and weapons management; (2) establishment of a national baseline on small arms and light weapons; (3) adoption of law on ammunition and weapons management)	December 2021	A draft weapons and ammunition management law passed the Senate but requires further revision before it can be adopted	Following a number of exchanges and discussions between the United Nations Integrated Office in Haiti (BINUH) and various United Nations partners, a two-phase effort in support of national weapons and ammunition management efforts has been agreed, involving the redrafting by December 2020 of the weapons and ammunition management law, with the establishment of a national baseline by June 2021. The contract for the first phase, which will be implemented by the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, is in the process of being signed with UNDP	
	2.4.1. A percentage of the State budget is allocated for comprehensive care and protection of victims of violence through gender-responsive budgeting	December 2021	No specific budget has been allocated to the implementation of the gender-based violence national action plan	No budget has yet been dedicated to the implementation of a gender-based violence national action plan	
	2.4.2. Proposed new legal framework for gender-based violence is adopted and implemented, including the provision for ensuring State funding for prevention and response to gender-based violence	December 2021	Senate adopted several articles of the proposed new legal framework on violence against women and girls	A new Penal Code was adopted by decree that includes provisions on gender-based violence. The proposed legal framework law on gender-based violence has not yet been adopted, although a proposal is being prepared by the Ministry of Women's Affairs for presentation to the Council of Ministers	
	2.4.3 Spotlight programme is launched and implemented	June 2020	Spotlight programme was approved on 17 December 2019	Implementation of the Spotlight programme has been launched, and efforts are under way to strengthen the capacity of State institutions through the programme. National consultations are ongoing regarding how to rapidly build	




S/2020/944

Benchmark	Target	Target timeline	Baseline as of December 2019 if not otherwise specified	Update as of 10 August (or as otherwise specified)	Trend
				capacity for and consensus around combatting gender-based violence. In addition, the development of tools and directives to support the implementation of the national plan against gender-based violence is ongoing	
	2.5.1. A 5 per cent reduction of area-based crime in zones with decreased presence of State authorities and identified hotspots, including Cité Soleil, Martissant, La Saline, Croix des Bouquets and Bel Air as pilot areas.	December 2020	December 2019: Cité Soleil 9 incidents Martissant 10 incidents La Saline 3 incidents Croix des Bouquets 24 incidents Bel Air 4 incidents	August 2020: Cité Soleil: 3 Martissant: 1 La Saline: 3 Croix-des-Bouquets: 9 Bel Air: 5 Trends in recent months suggest a drop, beyond the targets, in gang-related incidents in Cité Soleil, Martissant and Croix des Bouquets. However, incident averages remained stable in La Saline and rose slightly in Bel Air. The COVID-19 pandemic may have contributed to reduced numbers of incidents. However, gang violence is likely to increase in the lead-up to proposed elections in 2021	
	Target: Cité Soleil 8.55 incidents per month Martissant 9.5 incidents per month La Saline 2.85 incidents per month Croix des Bouquets 22.8 incidents per month Bel Air 3.8 incidents per month				
3. The national police, corrections services, justice and anti-corruption institutions operate under improved legal and	3.1.1. At least 7 per cent of the national budget is allocated to the national police each fiscal year	December 2020	6.6 per cent of the national budget is allocated to the national police, which has been the same since 2017	The share of the national budget allocated to the Haitian National Police has seen a downward trend. For the 2019/20 fiscal year budget, adopted on 5 June 2020, the Government allocated only 5.53 per cent of appropriations to the Police, which is far below expectations and does	


S/2020/944

Benchmark	Target	Target timeline	Baseline as of December 2019 if not otherwise specified	Update as of 10 August (or as otherwise specified)	Trend
management frameworks, as well as oversight mechanisms				not meet its minimum operational requirements	
	3.2.1. A functional departmental office of the General Inspectorate of the Haitian National Police is established in Cap Haitien	December 2020	The departmental office of the General Inspectorate of the Haitian National Police is not yet functioning	The General Inspectorate of the National Police has recruited and trained 18 investigators, including 3 women. Some of the equipment for operationalizing the office was purchased by UNDP, and preparations are under way to open the regional office along the projected timeline	
	3.2.2. Adoption of a new national anti-corruption strategy	December 2021	2009–2019 national anti-corruption strategy came to an end; no new national anti-corruption strategy has been developed	The Government has yet to develop and adopt a new anti-corruption strategy	
	3.3.1 Increase the ratio of the police to the population to 1.40 per 1,000 habitants	December 2021	1.33 per 1,000 habitants	No progress has been made toward the target because of delays in the recruitment of new police cadets due to budgetary constraints amid COVID-19 challenges, as well as the average annual attrition of 400 officers for various reasons, including resignation, death and dismissal. As at 10 July 2020, the Haitian National Police had an overall workforce of 15,022 police officers, equating to 1.28 per 1,000 inhabitants. The Police would require approximately 2,000 new recruits by the end of 2021 in order to meet the 1.40 target, a very challenging goal in the current context. However, a COVID-19 support plan has been developed to ensure that future classes of recruits at the Police national police school are protected	




S/2020/944

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
	3.3.2. Increase the percentage of women police officers to 11 per cent	December 2021	10.5 per cent of Haitian National Police officers are women	<p>A special class has been organized to ensure that women who are interested in joining the Haitian National Police are better informed and prepared for the recruitment process. In addition, an advocacy campaign to encourage women to join the Police is ongoing. Training also continues for the Police on gender equality issues</p> <p>As of 10 July 2020, the Haitian National Police had an overall workforce of 15,045 police officers, including 1,584 women, equating to 10.53 per cent female representation, a slight increase from the baseline</p>	
	3.3.3. Legal aid offices established and functioning in 13 jurisdictions	December 2021	No legal aid offices have yet been established under the new legal aid law	<p>The opening of legal aid offices has been delayed owing the COVID-19 pandemic, although staff recruitment is proceeding. In addition, the ratification of the director of the National Council for Legal Aid appointed by the Executive is pending, since the Board for the National Council has itself not been established, because of disagreements among judicial actors</p>	
	3.4.1. 6 prisons certified in accordance with international standards	December 2021	4 prisons were certified as of July 2019	<p>A training programme for key staff of the Office of the Ombudsperson on prisons certification tools was developed to support the Prisons Administration Directorate in the prison certification process. However, the convening of the training programme has been put on hold because of the pandemic. In addition, support has been provided for the implementation of the gender directive for corrections institutions</p>	




S/2020/944

Benchmark	Target	Target timeline	Baseline as of December 2019 if not otherwise specified	Update as of 10 August (or as otherwise specified)	Trend
	3.5.1 By 2020, 70 per cent or less of detainees in pretrial detention (disaggregated by gender and age)	December 2020	1 January to 31 December 2019: 75 per cent of detainees in pretrial detention	<p>Through the Global Focal Point for the Rule of Law and the Peacebuilding Fund's access to justice programme, which was launched in July, the United Nations system mobilized funding to strengthen in-person hearings and contribute to the launch of remote hearings as an innovative method for ensuring the continuity of judicial proceedings and accelerating the release of pretrial detainees during the COVID-19 pandemic. Consultations are ongoing among judicial actors to finalize the legal framework for the remote hearings, which is expected to be adopted by presidential decree (<i>arrêté ministériel</i>)</p> <p>In addition, the adoption of the new Penal Code by presidential decree on 28 June and the pending adoption of the new criminal procedural code is expected, once it enters into force, to limit the use of preventive detention</p> <p>Despite the above-mentioned COVID-19-related opportunities to reduce prolonged pretrial detention, efforts have not born fruit in terms of reductions in detainee numbers. Furthermore, pretrial detention has increased as the judicial system has been unable to keep up with increased Haitian National Police arrests in response to the country's prevailing security situation</p> <p>As at 2 September, 78 per cent of the 10,884 detainees are in pretrial detention. That percentage includes 382 women (3.5 per cent), 184 boys (1.69 per cent) and 17 girls (.15 per cent)</p>	



S/2020/944

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
4. State institutions, in collaboration with an independent national human rights institution (Office of the National Human Rights Ombudsman) and civil society organizations, protect, promote, and ensure respect for human rights and fundamental freedoms, women and gender equality, and uphold accountability for human rights violations	4.1.1. National plan of action for the implementation of recommendations accepted by the Government, in particular those of the Human Rights Council universal periodic review, adopted and 50 per cent of recommendations progressively implemented by the Government, including on gender issues	December 2021	The 2019–2021 action plan, which is intended to implement recommendations issued in the 2016 universal periodic review of Haiti, awaits endorsement by the executive	The national human action plan is still pending endorsement by the Government. However, on 8 July, the Prime Minister designated a new Minister-Delegate on Human Rights and the Fight against Extreme Poverty. The Minister-Delegate's first advocacy efforts have demonstrated her interest in and commitment to pursuing the Government's adoption of the plan	
	4.2.1. The national strategy 2019–2024 of the Office of the National Human Rights Ombudsperson is progressively implemented, including integrating gender-sensitive perspectives	December 2021	No action taken yet to implement the strategy	The Office of the Ombudsperson has begun implementation of its national strategy, as demonstrated by its issuance of several press statements in line with the strategy. To support the Office's further efforts to implement the strategy, BINUH has recruited an international consultant for a period of three months to assist the Office in the elaboration of a plan of action, including resource mobilization, and with training for the Office's staff regarding how to implement the national strategy, taking into consideration the Office's structural limitations while maximizing the use of its resources	
	4.3.1. Number of cases of serious human rights violations or abuses tried	December 2021	Under the United Nations Mission for Justice Support in Haiti (MINUJUSTH), an estimated 77 per cent of cases were investigated and 12 per cent were prosecuted. Of the 12 per cent of cases being prosecuted, all cases are still at trial, so no judicial	From October 2019 to August 2020, the Mission reported 197 human rights violations committed during that period; however, only 172 have been or are being investigated by the General Inspectorate of the Haitian National Police, or 87 per cent, above the level during MINUJUSTH. Of the 172 cases investigated, 159 investigations are still ongoing by the Inspectorate. Of the 14 investigations that have been	




S/2020/944

Benchmark	Target	Target timeline	Baseline as of December 2019 if not otherwise specified	Update as of 10 August (or as otherwise specified)	Trend
			decision has been taken yet	closed by the Inspectorate, 13 cases have been transferred to prosecutor's offices, but no trials have yet been initiated. In addition, during that period, the Inspectorate closed the investigations of 123 human rights violations committed from 2005 and 2018	
	4.4.1. 10 reports published by Haitian civil society organizations monitoring human rights, including on gender issues	December 2021	During the two-year mandate of MINUJUSTH, a total of 47 reports were published by civil society organizations	Since the start of the BINUH mandate, national non-governmental organizations focusing on human rights have published at least 19 public reports. In addition, BINUH is currently supporting a coalition of national human rights non- governmental organizations to submit an alternative report to the Human Rights Committee ahead of the periodic session on Haiti planned for October 2020	
5. State institutions, local authorities and the private sector provide access to youth, women and vulnerable groups to decent employment opportunities, including jobs, education and training, contributing to reduce socioeconomic grievances and address drivers of instability and inequality	5.1.1. The textile industry employs 63,000 people	December 2021	The textile industry currently employs 54,000 people	Textile exports have fallen owing to lower demand from importing countries and reduced supply of inputs, as well as the partial or complete closure of factories during the initial months of the COVID-19 pandemic. A United Nations- supported survey conducted by the Bureau for Employers' Activities in April and May revealed that textile manufacturers had been forced to suspend or dismiss up to 40 per cent of the workforce. As of August 2020, the textile industry employed 45,322 people	
	5.2.1. At least two measures are adopted by national and local authorities to encourage integration of women in high value chains in	December 2021	0 measures	No specific new policy measures have been adopted; however, three entrepreneurship programmes implemented by UN-Women, the Food and Agriculture Organization of the United Nations and the International Labour Organization, in cooperation	


S/2020/944

Benchmark	Target	Target timeline	Baseline as of December 2019 if not otherwise specified	Update as of 10 August (or as otherwise specified)	Trend
	sustainable agriculture			with national and local authorities, are under way, working to build the capacities of 4,818 women rural entrepreneurs in sustainable agriculture and agricultural product processing and marketing, and helping to set up 20 women's microenterprises	
	5.3.1. Haitian authorities conceive and implement a programme of economic and fiscal reforms, in collaboration with relevant international financial institutions	December 2021	The lack of a Government ratified by Parliament means that Haiti is currently unable to commit to economic reforms	Haiti continues to lack a Government ratified by Parliament, thus hampering its efforts to implement economic reforms. Discussions between the Government and the International Monetary Fund on a staff-monitored programme recently stalled over the Fund's request for greater transparency regarding a public procurement contract in the oil sector Beyond constraints related to the absence of a Parliament, little effort has still been made to tackle the much-needed reforms that would establish an enabling environment for job creation in the country. Efforts need to be sped up to allow the country to prepare to enact a much-needed legal and regulatory framework for the development of small and medium-sized enterprises	
6. State institutions are reinforced to effectively implement policies and programmes that ensure the delivery of quality basic services in the most underserved communities and increase their resilience	6.1.1. Conduct of Haiti's fifth Population and Housing Census, including a second phase dedicated to promoting the culture of use of statistical data and strengthening of the national statistical system	December 2021	All preparatory activities prior to the main census enumeration, including mapping, a pilot census and procurement of equipment, have been completed	Census activities have been delayed because of the COVID 19 pandemic and the deterioration of security in the country. The census enumeration was originally planned for January/February 2021, with all preparations aligning with that timeline. However, recent political and security developments, principally linked to the yet-to-be-determined electoral calendar, put that target under stress. As a result, a second window in March or April is	



S/2020/944

Benchmark	Target	Target timeline	Baseline as of December 2019 if not otherwise specified	Update as of 10 August (or as otherwise specified)	Trend
to climate-related threats, including through disaster management and risk mitigation				under consideration. Depending on final enumeration dates, the preliminary results of the census are expected in June 2021 or August 2021 and the final results in November 2021 or January 2022	
	6.2.1. Increase the proportion of the population using an improved water source to 79 per cent	December 2021	73.4 per cent of the population currently uses an improved water source	No change as at 10 August 2020. However, United Nations-supported interventions in response to the COVID-19 pandemic have led to the installation of an additional 6,898 hand washing points across the country. In addition, handwashing behaviour change efforts have reached almost 7.8 million people. The household impacts portion of the nationwide study of the socioeconomic impacts of COVID-19, which may provide further information, is still ongoing	
	6.2.2. 15 per cent of population in rural area and 2 per cent of population in urban area practise free open defecation	July 2023 ^a	Rural: 36 per cent Urban: 10 per cent	No change as of 10 August 2020. The household impacts portion of the nationwide study of the socioeconomic impacts of COVID-19, which may provide further information, is still ongoing	
	6.3.1. 30 per cent of the population facing severe acute food insecurity (IPC Phase 3+/acute)	December 2021	35 per cent of the population currently facing severe acute food insecurity (IPC Phase 3+/acute).	According to the latest IPC analysis (August 2020), the percentage of the population facing severe acute food insecurity is now at 42 per cent (4.09 million people in IPC 3+), which is an increase compared with the 40 per cent of people in urgent need of assistance between March and June 2020, as projected by the 2019 IPC exercise Factors leading to the deterioration of food security include below-normal precipitation in 2020, which has affected the performance of the	



S/2020/944

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
				<p>spring agricultural campaign. These crop losses, combined with high inflation (an increase of approximately 29 per cent in the value of the food basket from June 2019 to June 2020), in addition to the various restrictions implemented to manage the COVID-19 pandemic, significantly affected the purchasing power of the poorest households and their ability to access food. The passing of Tropical Storm Laura at the end of August also amplified the losses of harvests in some areas, particularly the south-east</p> <p>It is important to note that the sociopolitical instability experienced by the country in recent years, including last year's "peyi lok" period, in addition to the anticipated intensification of political instability during the next few months, will have consequences for the country's various macroeconomic indicators, including a projected drop in investment (especially those from the private sector), as well as a disruption of household livelihoods. These factors are expected to contribute to further deterioration in the country's already-concerning food security situation</p>	
6.4.1. 397 maternal deaths per 100,000 living births	July 2023 ^a		529 per 100,000 living births, as stated in the 2017 Demographic and Health Survey	<p>No change as of 10 August 2020. However, early signs indicate a negative trend in this indicator owing to the COVID-19 pandemic and other related factors. Attendance at maternal health centres has decreased by up to 40 per cent. Consequently, figures show that the number of maternal deaths increased from 25 to 30 per cent between February to May</p>	

S/2020/944

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
				2020, compared with the same period in 2019	
				The decrease of medical visits to hospitals has also affected the number of prenatal visits provided to pregnant women, and the percentage of institutional deliveries dropped significantly during the same period. From June to August 2020, the Government actually reported a decrease in maternal deaths reported at the institutional level (compared with 2019), but that was likely owing to pregnant women choosing to give birth at home during the pandemic; maternal deaths in communities are not reported	
6.4.2. Under 5 mortality rate is less than 81 per 1,000 living births		July 2023 ^a	81 per 1,000 living births as stated in the 2017 Demographic and Health Survey	No change as at 10 August 2020. However, the COVID-19 pandemic, as well as other recent challenges, seem to have had an impact on under-5 mortality. The first six months of 2020, compared with the same period in 2019, saw a 52 per cent decrease in new consultations in health facilities across the country for children aged under 5, as well as a 40 per cent decrease in the number of newborns who received at least one home health care visit	
6.5.1. 11 operational emergency centres (1 national and 10 departmental)		December 2021	11 centres established, but 0 centres possess an improved capacity to coordinate disaster response (defined as having received management training and implemented key equipment and tools, including a standard contingency plan and consolidated operating manual)	The capacity of 11 centres to coordinate disaster response has been enhanced through capacity-building efforts. In July 2020, the National Plan for Disaster and Risk Management (2019–2030) was adopted, following years of technical work and advocacy with the support of the United Nations, and UNDP in particular. The adoption of the Plan has significantly strengthened the role of the Directorate of Civil	

S/2020/944

<i>Benchmark</i>	<i>Target</i>	<i>Target timeline</i>	<i>Baseline as of December 2019 if not otherwise specified</i>	<i>Update as of 10 August (or as otherwise specified)</i>	<i>Trend</i>
				Protection, which should help facilitate the country's capacity to effectively plan for and respond to disasters	
	6.6.1. Track 1: Incidence rate of suspected cholera cases less than 0.01 per 1,000 inhabitants (target of national elimination plan for 2022)	December 2022	0.06 per 1,000 inhabitants	No new cholera case has been confirmed since February 2019	
	6.6.2. Track 2: 20 community projects implemented in cholera-affected areas	December 2020	5 projects were completed in 2019 under a pilot initiative. Of the 20 community projects planned as part of a project expansion, 18 communities have completed consultations to identify projects, while 2 communities have not yet started consultations	An assessment of project feasibility is ongoing for implementation, in spite of the implementation challenges due to the sociopolitical and security context of 2019 and the limitations imposed by the COVID-19 context	

^a Note that this target is based on the national mortality, morbidity and service utilization survey statistical tool, which is released every five years. Intermediate updates will be provided based on other sources.

EXHIBIT “B”

Minneapolis, MN 55416
 (800) 926-9400
 www.moneygram.com

Please Verify

MONEYGRAM SEND

Date: 10-09-2020
 Time: 06:54:13 PM

Recipient Name:

Expected Destination: Haiti
 Service Type/Tipo de Servicio:
 Walmart2World 10 Minute Service -
 USD

Transfer Amount: 150.00 USD
 Transfer Fees: +7.00 USD
 WMMOBILEDISCOUNT1: -1.00 USD
 Transfer Taxes: +0.00 USD

Total: 157.00 USD
 Exchange Rate:
 1 USD = 1.000000 USD

Transfer Amount: 150.00 USD
 Other Fees: -0.00 USD
 Other Taxes: -1.50 USD

Estimated Total to
 Recipient: 150.00 USD

Recipient may receive less due to
 fees charged by the recipient's bank
 and foreign taxes.

By continuing, I acknowledge that I
 have received and reviewed
 MoneyGram's consumer Fraud Warnings
 and pre-transaction disclosures
 prior to the completion of the
 transaction. I confirm this
 transaction is not for payment for
 goods or services offered or sold
 through Telemarketing and that all
 transaction details provided by me
 in connection with my purchase are
 accurate. I acknowledge that this
 transaction is subject to
 MoneyGram's terms and conditions and
 agree to be bound by all terms and
 conditions, also available at
 www.moneygram.com/terms.

ESTO NO ES UN RECIBO
 Para fines de verificación
 únicamente

Verifique

Fecha: 10-09-2020
 Hora: 06:54:13 PM

Nombre del destinatario:

Destino Esperado: Haiti
 Tipo de servicio: Walmart2World 10
 Minute Service - USD

Monto de la transferencia:
 150.00 USD
 Tarifa de la transferencia:
 +7.00 USD
 WMMOBILEDISCOUNT1: -1.00 USD
 Impuestos de la transferencia:
 +0.00 USD

Total: 157.00 USD

Tipo de cambio:
 1 USD = 1.000000 USD
 Monto de la transferencia:
 150.00 USD
 Otras tarifas: -0.00 USD
 Otros impuestos: -1.50 USD

Estimación Total para el

1500 Ullica Ave S
 Minneapolis, MN 55416
 (800) 926-9400
 www.moneygram.com

Please Verify

MONEYGRAM SEND

Date: 10-09-2020
 Time: 06:52:44 PM

Recipient Name:

Expected Destination: Haiti
 Service Type/Tipo de Servicio:
 Walmart2World 10 Minute Service -
 USD

Transfer Amount: 300.00 USD
 Transfer Fees: +7.00 USD
 WMMOBILEDISCOUNT1: -1.00 USD
 Transfer Taxes: +0.00 USD

Total: 307.00 USD
 Exchange Rate:
 1 USD = 1.000000 USD

Transfer Amount: 300.00 USD
 Other Fees: -0.00 USD
 Other Taxes: -1.50 USD

Estimated Total to
 Recipient: 300.00 USD

Recipient may receive less due to
 fees charged by the recipient's bank
 and foreign taxes.

By continuing, I acknowledge that I
 have received and reviewed
 MoneyGram's consumer Fraud Warnings
 and pre-transaction disclosures
 prior to the completion of the
 transaction. I confirm this
 transaction is not for payment for
 goods or services offered or sold
 through Telemarketing and that all
 transaction details provided by me
 in connection with my purchase are
 accurate. I acknowledge that this
 transaction is subject to
 MoneyGram's terms and conditions and
 agree to be bound by all terms and
 conditions, also available at
 www.moneygram.com/terms.

ESTO NO ES UN RECIBO
 Para fines de verificación
 únicamente

Verifique

Fecha: 10-09-2020
 Hora: 06:52:44 PM

Nombre del destinatario:

Destino Esperado: Haiti
 Tipo de servicio: Walmart2World 10
 Minute Service - USD

Monto de la transferencia:
 300.00 USD
 Tarifa de la transferencia:
 +7.00 USD
 WMMOBILEDISCOUNT1: -1.00 USD
 Impuestos de la transferencia:
 +0.00 USD

Total: 307.00 USD

Tipo de cambio:
 1 USD = 1.000000 USD
 Monto de la transferencia:
 300.00 USD
 Otras tarifas: -0.00 USD
 Otros impuestos: -1.50 USD

Estimación Total para el

Date: Oct 07, 2020 09:10 AM CDT

Sender Information

MoneyGram Plus: 201883292496

Name: [REDACTED]

Phone: [REDACTED]

Address: [REDACTED]
Washington, US-DC 20019
United States

Receiver Information

Name: [REDACTED]

Expected Destination: Haiti

Receive Option: Cash Pickup

Reference Number: [REDACTED] (Used by MoneyGram for tracking)

Date Available in Expected Destination: 07-Oct-20 (May be available sooner)

Transfer Amount: 50.00 USD

Transfer Fees: + 5.99 USD

Transfer Taxes: 0.00 USD

Total Cost: 55.99 USD

Exchange Rate: 1 USD = 1.0000 USD

Receive Amount: 50.00 USD

Other Fees: 0.00 USD

Other Taxes: -1.50 USD

Total Receive Amount: 48.50 USD

Receiver may receive less due to fees charged or offsets applied by the receiver's financial institution or any foreign taxes that may be assessed.

If you are using our services to direct your transfer to a bank account or other similar account, please verify that the receiver information, including receiver's email address, the bank account number, financial institution identifier, and other bank or account details are accurate and correct before sending. MoneyGram is not responsible for losses resulting from your failure to provide correct bank account numbers, financial institution identifiers, email addresses, or other necessary account information.

You have a right to dispute errors in your transaction. If you think there is an error, contact us within 180 days at 1(800) 922-7146 or moneygram.com. You can also contact us for a written explanation of your rights.

You can cancel this transaction online unless the funds have been picked up, deposited or delivered. If you cancel within 30 minutes of payment, you will be issued a full refund. For cancellations made after 30 minutes and up to 180 days, you will be issued a refund for the send amount only, excluding fees.

EXHIBIT “C”

MONEYGRAM'S MESSAGE TO ITS CUSTOMERS RECEIVING MONEY IN HAITI

MoneyGram informs its customers receiving money transfer in Haiti that beginning the first of October 2020 (October 1st, 2020), MoneyGram will no longer be able to absorb the extra fee of one dollar and fifty cents that the Bank of the Republic of Haiti charges on every money transfer coming from overseas.

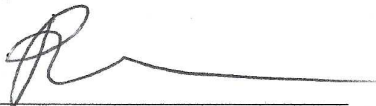
MoneyGram asks that customers receiving money in Haiti to inform their benefactors of the change in policy; if the person sending money to you in Haiti failed to pay the one dollar and fifty cents (\$1.50) at the point where the transfer is effectuated, the fee will be deducted from the amount paid out to you in Haiti.

For example, if a customer is accustomed to receiving fifty dollars (\$50.00) in United States currency, beginning October 1st, 2020, for her to continue receiving the same amount, the person sending the money must pay the extra fee by paying fifty-one dollars and fifty cents (\$51.50). Failure to do so, MoneyGram in Haiti will only pay the receiver forty-eight dollars and fifty cents (\$48.50).

MoneyGram would like to remind the public that it spent years paying the one dollar and fifty cents (\$1.50) for its customers and appreciate their understanding.

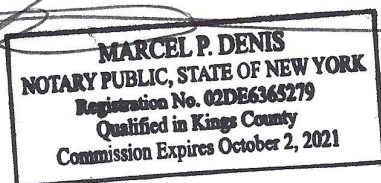
CERTIFICATION

I, Daniel Dume-Charles, hereby certify that I translated from Haitian Kreyol into English the attached MoneyGram Public Notice and that, to the best of my ability, it is a true and correct translation. I further certify that I am competent in both Haitian Kreyol and English to render and certify such translation.



Daniel Dume-Charles, Translator

Sworn to before me this 12th day of day of October 2020.



KAP RESEVWA TRANSFÈ LAJAN AN AYITI

MoneyGram ap enfòme tout kliyan kap resevwa transfè lajan an Ayiti yo, ke a pati premye oktòb 2020 (1er oktòb 2020), li pap ka kontinye absòbe pou kliyan li yo, frè adisyonel dola senkant ke Bank Repiblik Dayiti mande peye pou chak tranzaksyon ki sòti nan yon lòt peyi.

MoneyGram mande pou tout kliyan kap resevwa lajan an Ayiti yo, tou enfòme moun kap voye lajan an de chanjman sa a, paske si moun sa a pa tou peye dola senkant lan nan Biwo Transfè lòt peyi a, se nan lajan moun kap resevwa transfè an Ayiti a lap sòti.

Pa egzanp, si yon kliyan abitye resevwa senkant dola ameriken (\$50.00), a pati premye oktòb 2020, pou li ka kontinye resevwa montan lajan sa a, fò moun kap voye lajan an, voye senkant e en dola senkant. (\$51,50). Osinon, se karant uit dola senkant (\$48.50) Biwo Transfè an Ayiti a ap remèt kliyan an.

MoneyGram ap raple nou ke li pase anpil ane ap peye dola senkant sa a pou kliyan li yo e li remèsye nou pou konpreyansyon nou.

